

AMENDED IN SENATE JULY 1, 2009

AMENDED IN SENATE JUNE 17, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1052

Introduced by Assembly Member Caballero

February 27, 2009

An act to amend Section 7360 of, ~~and to repeal and add Section 7363 to amend, renumber, and add Section 7362 of, to add Section 7364 to, and to repeal Section 7363 of,~~ the Fish and Game Code, relating to sport fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1052, as amended, Caballero. Bay-Delta Sport Fishing Enhancement Stamp.

Existing law prohibits a person from sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to a valid sport fishing license. Existing law requires the Department of Fish and Game or an authorized license agent to issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a prescribed fee. Existing law requires the funds generated by the imposition of these fees to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, as specified. Existing law requires the director to appoint a 9 member Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee

to recommend to the department projects and budgets for the expenditure of fee revenue. Those provisions are repealed as of January 1, 2010.

This bill would delete that repeal, and, instead, make the stamp or validation requirement inoperative as of January 1, 2015 2012. The bill would require the department to implement various provisions related to expenditures from the account, ~~and by January 1, 2011, to prepare and submit to the Legislature a report on the steps taken by the department to comply with those provisions.~~ The bill would require the department, in consultation with the advisory committee, ~~to determine appropriate projects for expenditure of the balance of funds in the account develop a grant program, as prescribed. The bill would prohibit expenditures from the account for a project unless the department and a majority of the members of the advisory committee approve the expenditure. The department would be required to post on its Internet Web site projects undertaken with funds from the account.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7360 of the Fish and Game Code is
- 2 amended to read:
- 3 7360. (a) A person shall not sport fish in the tidal waters of
- 4 the San Francisco Bay Delta and the main stem of the Sacramento
- 5 and San Joaquin Rivers, including major tributaries, below the
- 6 most downstream dam, unless he or she first obtains, in addition
- 7 to a valid California sport fishing license and any applicable stamp
- 8 or validation issued pursuant to Section 7149 or 7149.05, a
- 9 Bay-Delta Sport Fishing Enhancement Stamp or validation and
- 10 affixes that stamp or validation to his or her valid California sport
- 11 fishing license. Any person issued a sport fishing license pursuant
- 12 to paragraph (4) or (5) of subdivision (a) of Section 7149 or
- 13 paragraph (4) or (5) of subdivision (a) of Section 7149.05 is not
- 14 subject to this division.
- 15 (b) The commission may modify, by regulation, the geographic
- 16 parameters specified in subdivision (a).
- 17 (c) The department or an authorized license agent shall issue a
- 18 Bay-Delta Sport Fishing Enhancement Stamp or validation upon
- 19 payment of a base fee of five dollars (\$5), in the 2004 license year,

1 which shall be adjusted annually thereafter pursuant to Section
2 713.

3 (d) This section is inoperative on and after January 1, ~~2015~~
4 ~~2012~~.

5 *SEC. 2. Section 7362 of the Fish and Game Code, as amended*
6 *by Section 1 of Chapter 637 of the Statutes of 2008, is amended*
7 *and renumbered to read:*

8 ~~7362.~~

9 7363. (a) The director shall appoint a Bay-Delta Sport Fishing
10 Enhancement Stamp Fund Advisory Committee, consisting of nine
11 members. The committee members shall be selected from names
12 of persons submitted by anglers and associations representing
13 Bay-Delta anglers of this state and shall serve at the discretion of
14 the director for terms of not more than four years. The director
15 shall appoint persons to the committee who possess experience in
16 subjects with specific value to the committee and shall attempt to
17 balance the perspective of different anglers.

18 (b) The advisory committee shall recommend to the department
19 projects and budgets for the expenditure of revenue received
20 pursuant to Section 7360. The department shall give full
21 consideration to the committee's recommendations.

22 (c) The department shall submit to the advisory committee and
23 the Chief Clerk of the Assembly and the Secretary of the Senate
24 for distribution to the appropriate fiscal and policy committees of
25 the Legislature, at least annually, on or before January 10 of each
26 year, an accounting of funds derived from the Bay-Delta Sport
27 Fishing Enhancement Stamps and validations, including the number
28 of stamps and validations sold, funds generated and expended, *and*
29 *administrative expenditures*, and the status of programs funded
30 pursuant to this article. In addition, the department shall report, at
31 least annually, to the committee on the status of projects undertaken
32 with funds from that stamp or validation, including reporting the
33 department's reasoning in cases where committee recommendations
34 are not followed.

35 (d) *The department shall post on its Internet Web site projects*
36 *undertaken with funds from the account established in Section*
37 *7361. At a minimum, the Internet Web site shall list the project*
38 *title, applicant, a brief description of the project, the amount*
39 *approved, and the project's status.*

1 SEC. 3. Section 7362 is added to the Fish and Game Code, to
2 read:

3 7362. (a) The department, in consultation with the advisory
4 committee created pursuant to Section 7363, shall develop a grant
5 program to support activities consistent with Section 7361.

6 (b) The department, in consultation with the advisory committee,
7 shall develop priority areas for funding under the grant program.
8 The department shall give the advisory committee 10 days to review
9 any draft public solicitation notice before that notice is finalized
10 and released to the public.

11 (c) The advisory committee shall assist the department in
12 providing outreach to encourage wide participation in the grant
13 program.

14 (d) The department shall provide the advisory committee a copy
15 of all grant applications. The advisory committee shall have a
16 minimum of 30 days to review projects and provide
17 recommendations to the department.

18 ~~SEC. 2.~~

19 SEC. 4. Section 7363 of the Fish and Game Code is repealed.

20 ~~SEC. 3.~~

21 SEC. 5. Section ~~7363~~ 7364 is added to the Fish and Game
22 Code, to read:

23 ~~7363.~~

24 7364. (a) The department shall do all of the following:

25 (1) In consultation with the advisory committee, develop a
26 spending plan that focuses on identifying and funding viable
27 projects and monitoring revenues to assist the department in
28 effectively expending available stamp revenues *in a manner*
29 *consistent with the purposes described in Section 7361. The*
30 *spending plan shall be completed by January 31, 2010. Upon*
31 *completion, a copy of the spending plan shall be provided to the*
32 *Legislature.*

33 (2) Track and report the costs of projects funded pursuant to
34 this article by doing both of the following:

35 (A) Improve the tracking of individual project expenditures by
36 assigning a separate account to each project within the department's
37 accounting system.

38 (B) Require a project manager to approve all expenditures
39 directly related to the manager's projects, periodically reconcile
40 records for each project with accounting records, and report

1 expenditures to staff responsible for preparing advisory committee
2 reports.

3 ~~(3) (A) Annually provide the advisory committee with a written~~
4 ~~report containing all of the following information:~~

5 ~~(i) Actual project expenditures.~~

6 ~~(ii) Detailed information on the status of each project~~

7 ~~(iii) Total administrative expenditures.~~

8 ~~(B) The department shall ensure the accuracy of the information~~
9 ~~described in subparagraph (A).~~

10 ~~(4)~~

11 (3) Reimburse the department's general fund appropriation for
12 any lease payment charged to the department's general fund
13 appropriation on or before January 1, ~~2015~~ 2010 that was eligible
14 to be paid from the account established in Section 7361.

15 ~~(5)~~

16 (4) Ensure that employees of the department appropriately
17 charge their time to projects funded pursuant to this article by
18 providing guidelines to employees concerning when to charge
19 activities to the account established in Section 7361.

20 (b) The department shall not charge payroll costs to the account
21 established in Section 7361 for employee activities that are not
22 related to the implementation of this article. The department shall
23 determine whether any other expenditure has been inappropriately
24 charged to the account established in Section 7361 and shall make
25 all necessary accounting adjustments.

26 ~~(c) By January 1, 2011, the department shall prepare and submit~~
27 ~~to the Legislature a report on the steps taken by the department to~~
28 ~~comply with subdivisions (a) and (b), including, but not limited~~
29 ~~to, a plan for expenditure of available stamp revenues.~~

30 ~~(d) In consultation with the advisory committee appointed~~
31 ~~pursuant to Section 7362, the department shall determine~~
32 ~~appropriate projects for expenditure of the balance of funds in the~~
33 ~~account established in Section 7361 that will provide for long-term,~~
34 ~~sustainable benefit to Bay-Delta sport fisheries, including, but not~~
35 ~~limited to, salmon, and that are consistent with the purposes~~
36 ~~described in Section 7361.~~

37 ~~(e) Moneys in the account established in Section 7361 shall not~~
38 ~~be expended for a project unless the expenditure has been approved~~

- 1 ~~by both the department and a majority of the members of the~~
- 2 ~~advisory committee.~~

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